

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

Joseph Abston	§	
	§	
Plaintiff,	§	
	§	
v.	§	NO. 3:13-cv-40
	§	
Crowley American Transport Line, Inc.	§	
Crowley Maritime Corporation, and	§	
Crowley Marine Services, Inc.	§	
	§	
Defendants.	§	

Plaintiff's Original Complaint

Plaintiff Joseph Abston brings this action complaining of Defendants Crowley American Transport Line, Inc., Crowley Maritime Corporation, Crowley Marine Services ("Crowley") and would respectfully show the Court that:

I.

Jurisdiction

1. This claim is maintained under the general maritime law of the United States and/or Texas law in the alternative.

II.

Venue

2. Venue is proper in this Division because Defendants are located here and do a substantial amount of business in this Division.

III.

Parties

3. Plaintiff resides in Mississippi.

4. Defendant Crowley American Transport Line, Inc. may be served through its registered agent, CT Corporation System, 350, N. St. Paul Street, Dallas, Texas 75201.

5. Defendant Crowley Maritime Corporation may be served through its registered agent, CT Corporation System, 350, N. St. Paul Street, Dallas, Texas 75201.

6. Defendant Crowley Marine Services, Inc. is a Delaware corporation and may be served with process through its registered agent, Corporation Service Company, 701 Brazos Street, Suite 1050, Austin, Texas 78701.

IV.

Facts

7. This lawsuit is necessary as a result of severe personal injuries that Plaintiff received on or about February 28, 2012. On that date, Plaintiff was employed with Ports America aboard the Pavo J. Crowley, which is owned, operated, and controlled by Defendants. While Plaintiff was aboard the Pavo J. Crowley he slipped and fell over a deck which had no railing. Notably, Defendants were cited by OSHA for serious violations in failing to have a railing and failing to remedy a slippery condition. Consequently, Plaintiff suffered severe injury to his foot, wrist and other parts of his body.

V.

Causes of Action

8. Plaintiff hereby incorporates by reference the facts and allegations of the preceding paragraphs and the facts set forth herein.

9. Defendants were negligent and grossly negligent for the following reasons:

- A. failure to properly supervise their crew;
- B. failure to properly train their employees;

- C. failure to provide adequate safety equipment;
- D. failure to provide adequate medical treatment;
- E. failure to have proper deck railing;
- F. failure to maintain the vessel;
- G. failure to warn about hidden hazards aboard the vessel;
- H. failure to remedy a known hazardous slippery condition;
- I. failure to intervene in when it knew that others were acting improvidently;
- J. failure to turnover the vessel in a safe manner;
- K. failure to reasonably exercise its duty of actual control; and

14. On the date in question, the Pavo J. Crowley was unseaworthy.

15. As a result of said occurrences, Plaintiff sustained severe injuries to his body, which resulted in physical pain, mental anguish, and other medical problems. Plaintiff has sustained severe pain, physical impairment, discomfort, mental anguish, and distress. In all reasonable probability, Plaintiff's physical pain, physical impairment and mental anguish will continue indefinitely. Plaintiff has also suffered a loss of earnings in the past, as well as a loss of future earning capacity. Plaintiff has incurred and will incur pharmaceutical and medical expenses in connection with his injuries. Plaintiff has been damaged in a sum far in excess of the minimum jurisdictional limits of this Honorable Court, for which he now sues.

VI.

Jury Trial

15. Plaintiff hereby requests a trial by jury on all claims.

VII.

Prayer

Plaintiff prays that this citation issue and be served upon Defendants in a form and manner prescribed by law, requiring that the Defendants appear and answer, and that upon final hearing, Plaintiff has judgment against Defendants, both jointly and severally, in a total sum in excess of the minimum jurisdictional limits of this Court including but not limited to:

- Past and future medical damages;
- Past and future loss of earning capacity;
- Past and future physical pain and suffering and mental anguish;
- Past and future impairment;
- Past and future disfigurement;
- Exemplary damages;
- Costs of Court;
- Pre and Post Judgment interest; and
- Any further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

ARNOLD & ITKIN LLP

/s/ Kurt B. Arnold

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